

***UNITED STATES DISTRICT COURT***  
***SOUTHERN DISTRICT OF OHIO***

**JUDGMENT IN A CIVIL CASE**

**ADRIAN BURKE,**  
  
**Petitioner,**

**CASE NO. 2:07-cv-665**  
**JUDGE MARBLEY**  
**MAGISTRATE JUDGE KEMP**

**v.**

**CLIFFORD SMITH, Warden,**  
  
**Respondent.**

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

**IT IS ORDERED AND ADJUDGED** That pursuant to the September 26, 2008 Order, the Report and Recommendation is **ADOPTED** and **AFFIRMED**. Petitioner's objections are **OVERRULED**. This action is hereby **DISMISSED**.

**Date: September 26, 2008**

**James Bonini, Clerk**

s/Betty L. Clark

Betty L. Clark/Deputy Clerk